



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DR. ABHINAV AGGARWAL
100 SAINT AYERS WAY
CHAPEL HILL NC 27517

COPY MAILED
OCT 18 2006
OFFICE OF PETITIONS

In re Application of :
Abhinav Aggarwal :
Application No. 10/735,333 :
Filed: December 12, 2003 :
Title: SYSTEM AND METHOD FOR :
UNIVERSAL IDENTIFICATION OF :
BIOLOGICAL HUMANS :
ON PETITION

This is in response to the petition filed June 22, 2006, to withdraw the holding of abandonment.

On April 27, 2004, the Office mailed a Notice to File Corrected Application Papers ("Notice"), which set a two-month extendable period to reply. The application became abandoned on June 28, 2004, for failure to submit a timely response to the Notice. On January 6, 2005, the Office mailed a Notice of Abandonment. On February 1, 2005, petitioner filed a petition to revive the application. On May 1, 2006, the Office mailed a communication to petitioner, indicating that the Office could not treat the petition on the merits because petitioner did not submit the requisite petition fee.

On June 22, 2006, petitioner filed the present petition, requesting that the Office withdraw the holding of abandonment due to non-receipt of the Notice. Additionally, petitioner submitted a one page Abstract and a copy of his docket records for this application.

A review of the record indicates no irregularity in the mailing of the Notice, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record. Nevertheless, petitioner asserted that although he submitted a change of correspondence address with the USPTO subsequent to the mailing of the Notice, he has an arrangement in place to date for collecting all mail delivered to his previous address. Additionally, petitioner stated that he received the Notice of Abandonment in this application, which was delivered to his previous address.

To establish non-receipt of the Notice, petitioner must provide an explanation of the arrangement he has in place for receiving and collecting mail delivered to his previous address. Petitioner must include a statement from petitioner, or any other person at the address who may have firsthand

knowledge of the events, indicating how correspondence from the USPTO is handled upon delivery to the previous address. Specifically, the statement(s) must indicate where correspondence from the USPTO is kept and that a search was conducted of the location, but the Notice was not found.

For the reasons stated, the petition to withdraw the holding of abandonment is dismissed.

Any request for reconsideration of the dismissal of the petition to withdraw the holding of abandonment due to nonreceipt of the Notice must be submitted within **TWO (2) MONTHS** from the mailing date of this decision. The request for reconsideration should include a cover letter entitled "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment," as well as statements and documentary evidence, as indicated above. Extensions of time are permitted under 37 CFR 1.136(a).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions